

Applicants: David J. Pinsky, et al.  
Serial No.: 10/692,439  
Filed: October 22, 2003  
Page 3

**REMARKS**

Claim 25 is pending in the subject application. Applicants have not added or canceled any claims. Applicants have amended claim 25 to more particularly point out the subject matter which applicants regard as the invention. Support for amended claim 25 can be found in the specification at, *inter alia*, page 17, lines 19-25 and page 23, line 15 to page 24, line 38.

Accordingly, applicants maintain that the amendment to claim 25 does not raise any issue of new matter. Upon entry of this Amendment, amended claim 25 will be pending and under examination.

**Rejection under 35 U.S.C. 103(a)**

The Examiner rejected claim 25 under 35 U.S.C. 103(a) as allegedly obvious over Toledo-Pereya, in view of Benedict, et al. and the product use sheet for 1,5-dansyl-Glu-Gly-Arg chloromethyl ketone from Calbiochem ("the product use sheet").

Specifically, the Examiner alleged that the argument set forth in applicant's November 7, 2007 Communication is not persuasive in overcoming the obviousness rejection because 1, 5-dansyl-Glu-Gly-Arg chloromethyl ketone and Glu-Gly-Arg chloromethyl ketone are functional equivalents, and therefore, it would have been obvious to one skilled in the art to substitute Glu-Gly-Arg chloromethyl ketone used to inactivate Factor IX, as taught in Benedict, et al. with the 1, 5-dansyl-Glu-Gly-Arg chloromethyl ketone used to inactivate Factor X, as taught in the Calbiochem product use sheet.

Applicants: David J. Pinsky, et al.  
Serial No.: 10/692,439  
Filed: October 22, 2003  
Page 4

In response, and without conceding the correctness of this rejection, applicants note that claim 25, as amended, does not recite a Factor IXa chemically inactivated by dansyl-glu-gly-arg-chloromethylketon. As indicated by the Examiner on page 5 of the August 7, 2007 Final Office Action, Toledo-Pereya fails to teach the administration of Factor IXa compounds to treat thrombosis in reperfusion injury. Additionally, neither Benedict, et al. or the Calbiochem product use sheet teach the specific muteins recited in claim 25. Accordingly, applicants maintain that amended claim 25 is not obvious over the cited references.

In view of the amendment to claim 25 and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 25 under 35 U.S.C. §103(a).

#### **Double Patenting Rejection**

The Examiner further rejected claim 25 on the ground of nonstatutory obviousness-type double patenting over claims 1-19 of U.S. Patent No. 6,316,403, in view of Toledo-Pereya, Benedict, et al. and the Calbiochem product use sheet for 1, 5-dansyl-glu-gly-arg-chloromethylketon.

In response, and without conceding the correctness of the Examiner's rejection, applicants note that claim 25, as amended, does not recite a Factor IXa chemically inactivated by dansyl-glu-gly-arg-chloromethylketon. Applicants further note that nowhere do the cited references teach or suggest the specific Factor IX muteins recited in claim 25. Accordingly, applicants maintain that claim 25 is not obvious over claims 1-19 of U.S. Patent No.

Applicants: David J. Pinsky, et al.  
Serial No.: 10/692,439  
Filed: October 22, 2003  
Page 5

6,316,403, in view of Toledo-Pereya, Benedict, et al. and the Calbiochem product use sheet for 1, 5-dansyl-glu-gly-arg-chloromethylketon.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection on the grounds of nonstatutory obviousness-type double patenting.

### **Summary**

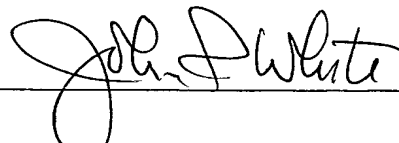
In view of the amendment to claim 25 and the preceding remarks, applicants maintain that amended claim 25 is in condition for allowance, and respectfully request that the Examiner issue a notice of allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invite the Examiner to telephone him at the number provided below.

Applicants: David J. Pinsky, et al.  
Serial No.: 10/692,439  
Filed: October 22, 2003  
Page 6

No fee is deemed necessary in connection with the filing of this Supplemental Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

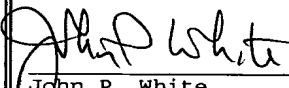
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

 1/7/08  
\_\_\_\_\_  
John P. White                      Date  
Reg. No. 28,678